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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,930	05/15/2001	Matthias Wendt	PHDE000004	9926
24737	7590	07/16/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			LEE, JINHEE J	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/831,930

Applicant(s)

WENDT ET AL.

Examiner

Jinhee J Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 15 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by De Nicolo (US006115468).

Re claim 15, De Nicolo discloses a network connection comprising a plurality of network users, each having a network coupler (118 for example), wherein the network couplers are adapted to provide a symmetrical, differential data transmission between the network users (Load 1, Load 2, Load 3 for example): and at least two symmetrical twisted wires (128a, 128b for example) which electrically connect the network users in a network and which are coupled to a single terminal of a voltage source, wherein the at least two symmetrical twisted wires have the same electrical resistance and the at least

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two symmetrical twisted wires transmit differential voltages having equal (see column 3 lines 52-53) magnitudes and opposite polarities (128a being positive, 128b being negative, see column 3 lines 40-44), the differential voltages being supplied to and from the plurality of network users (see figure 3).

Re claim 22, De Nicolo discloses a network comprising a plurality of network users, each having a network coupler (118 for example), wherein the network couplers are adapted to provide a symmetrical, differential data transmission between the network users (Load 1, Load 2, Load 3 for example): and at least two symmetrical twisted wires (128a, 128b for example) which electrically connect the network users in a network, wherein the at least two twisted wires have the same electrical resistance and the at least two twisted wires are coupled to a single terminal (138, 140 for example) of a voltage source, and wherein the at least two twisted wires transmit differential voltages having equal (see column 3 lines 52-53) magnitudes and opposite polarities (128a being positive, 128b being negative, see column 3 lines 40-44), the differential voltages being supplied to and from the plurality of network users (see figure 3).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Nicolo in view of Nugent (6066799).

Re claim 16, the device of De Nicolo discloses the claimed invention except that only one wire is provided with an insulation. However, Nugent teaches of a network connection with only one wire provided with an insulation (see figures 1- 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the wires of Nugent on the network connection of De Nicolo in order to improve performance.

Re claim 17, the device of De Nicolo as modified by teachings of Nugent discloses the claimed invention except for the insulative lacquer coating used as an insulation. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to use the insulative lacquer coating as the insulation, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Re claim 18, the device of De Nicolo as modified by teachings of Nugent discloses the claimed invention except for the insulative synthetic material coating used as an insulation. It would have been an obvious to one having ordinary skill in the art at the time the invention was made to use the insulative synthetic material coating as the insulation, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Re claim 19, note that the device of Nugent teaches of an insulative tubing used as an insulation.

Re claim 20, the device of De Nicolo discloses the claimed invention except wherein the at least two symmetrical twisted wires are stranded wires mutually insulated via a cladding. However, Nugent teaches of at least two twisted wires that are stranded wires mutually insulated via a cladding (see figure 14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the twisted wires of Nugent on the network connection of De Nicolo in order to form simple construction.

Re claim 21, the device of De Nicolo discloses the claimed invention except wherein the at least two symmetrical twisted wires each have a double form. However, Nugent teaches of at least two twisted wires that have double form (see figure 14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the twisted wires of Nugent on the network connection of De Nicolo in order to utilize small conductors.

***Response to Arguments***

6. Applicant's arguments filed 8/8/03 have been fully considered but they are not persuasive.

In response to applicant's arguments that the twisted pairs of De Nicolo are not symmetrical, examiner disagrees. The twisted pairs 128a and 128b are symmetrical per figure 3.

In response to applicant's arguments that the twisted pairs of De Nicolo do not transmit differential voltages, examiner disagrees. The claim states "differential voltages having equal magnitudes and opposite polarities", and per figure 3, column 3 lines 40-44 and column 3 lines 52-53 as stated above. Amended claim states that differential is having equal magnitudes and opposite polarities. De Nicolo teaches the claimed invention.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M, T, Th and F at 6:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jil

 7/12/04

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